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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,440	12/15/2003	Steven Tischler	030516 (BLL-0145)	3425

36192 7590 09/12/2007
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EXAMINER

NEWAY, SAMUEL G

ART UNIT	PAPER NUMBER
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2626

MAIL DATE	DELIVERY MODE
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09/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/736,440	Applicant(s) TISCHER, STEVEN	
	Examiner Samuel G. Neway	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6,7,9 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,9 and 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is responsive to the Amendment filed on 16 August 2007.
2. Claims 3 – 5, 8, and 10 – 12 have been canceled, claims 1 – 2, 6 – 7, 9, and 13 – 15 are still pending.

Response to Amendment

3. The Objection to the Specification is withdrawn.

Response to Arguments

4. Applicant's arguments filed 16 August 2007 have been fully considered but they are not persuasive.

Applicant argues that Mark (USPN 6,510,413) fails to teach a voice file (page 7, paragraph 5). The Examiner respectfully disagrees.

The pre-recorded digital audios that Mark discloses (col. 1, lines 51-60) are voice files, well known in the speech synthesis art, containing a plurality of speech samples (utterances from a human speaker) which are concatenated in accordance with a speech generation command (parameter of an acoustic sequence) to generate speech.

Claim Objections

5. Claim 9 is objected to because of the following informalities: in line 2, it is believed the "phoneme" in multi-phoneme should not be crossed out.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 6 – 7, 9, and 13 – 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker (Mark) (USPN 6,510,413) referred as Mark hereinafter.

Claim 1:

Mark discloses a system for generating a collection of speech generation commands associated with computer readable information (Abstract), comprising:

a first computer configured to generate a first collection of speech generation commands (acoustic sequence specification) based on a first portion of computer readable information (Fig. 2, item 206 and related text);

the first computer in communication with a wireless communication network and a cellular phone operatively communicating with the wireless communication network, wherein the signals generated by the first computer are transmitted through the wireless communication network to the cellular phone (Fig. 2, items 202, 204, 220 and related text);

wherein the cellular phone includes a memory having a voice file (pre-recorded digital audio) stored therein ("speech waveform generation section 104 are all located

locally at the client", col. 2, lines 24-30), the voice file having a plurality of speech samples from a predetermined person, the signals received by the cellular phone corresponding to the first collection of speech generation commands, the phone accessing a predetermined set of the speech samples in the voice file based on the first collection of speech generation commands to generate auditory speech ("Another known method of generating an audible signal is through the concatenation of small portions of pre-recorded digital audio. These digital audio units are typically obtained by recording utterances from a human speaker. The series of concatenated units is then modulated according to the parameters of the acoustic sequence specification to produce an output digital audio waveform file", col. 1, lines 51-60).

Claim 6:

Mark discloses the system of claim 1 wherein the first computer further includes a memory having a voice file stored therein, the voice file having a plurality of speech samples from a predetermined person, the first collection of speech generation commands being associated with a predetermined set of the plurality of speech samples (col. 1, lines 51-60, Fig. 1, item 104 and related text).

Claim 7:

Mark discloses a method for generating a collection of speech generation commands associated with computer readable information (Abstract), comprising:

generating a first collection of speech generation commands based on a first portion of computer readable information in a first computer (Fig. 2, item 206 and related text);

wherein the first computer includes a memory having a voice file stored therein, the voice file having a plurality of speech generation commands associated with speech samples of a predetermined person ("Another known method of generating an audible signal is through the concatenation of small portions of pre-recorded digital audio. These digital audio units are typically obtained by recording utterances from a human speaker.", col. 1, lines 51-60), wherein the generation of the first collection of speech generation commands includes:

generating phoneme and multi-phonemes (acoustic units) associated with the first portion of computer readable information (Fig. 1, item 102 and related text. Note that the acoustic units can be phonemes or multi-phonemes, see col. 5, lines 41-44);

comparing a phoneme or multi-phoneme to phonemes and multi-phoneme stored in the voice file to determine a matched phoneme or multi-phoneme; and selecting a speech generation command in the voice file associated with the matched phoneme or multi-phoneme("The series of concatenated units is then modulated according to the parameters of the acoustic sequence specification to produce an output digital audio waveform file", col. 1, lines 51-60).

Claim 9:

Mark discloses the method of claim 7 wherein the comparing of a phoneme or multi-phoneme to phonemes and multi-phonemes stored in the voice file to determine a matched phoneme or multi-phoneme includes:

comparing a multi-phoneme to multi-phonemes stored in the voice file; and, comparing a phoneme to phonemes stored in the voice file ("the concatenated digital

audio units will have a one-to-one correspondence to the acoustic units in the acoustic sequence specification", col. 1, lines 57-60).

Claim 13:

Mark discloses the method of claim 7 further comprising:

generating a signal corresponding to the first collections of speech generation commands("The series of concatenated units is then modulated according to the parameters of the acoustic sequence specification to produce an output digital audio waveform file", col. 1, lines 51-60); and

transmitting the signal through a wireless communication network to a cellular phone (Fig. 2, items 202, 204, 220 and related text).

Claim 14:

Mark discloses the method of claim 13 wherein the cellular phone includes a memory having a voice file stored therein, the method further comprising accessing portions of the voice file based on the first collections of speech generation commands to generate auditory speech ("speech waveform generation section 104 are all located locally at the client", col. 2, lines 24-30).

Claim 15:

Claim 15 is similar in scope and content to claim 7 and is rejected with the same rationale.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (Mark) (USPN 6,510,413) referred as Mark hereinafter in view of Walker et al (USPGPub 2001/0047260) referred as Walker hereinafter.

Claim 2:

Mark discloses the system of claim 1 but it does not explicitly disclose a second computer configured to receive the second portion of computer readable information from the first computer and to generate a second collection of speech generation commands based on the second portion of computer readable information, the first computer is further configured to receive the second collection of speech generation commands from the second computer and to generate a third collection of speech generation commands based on the first and second collection of speech generating commands, wherein the first computer generates signals based on the third collection of speech generation commands

In a similar text-to-speech system, Walker discloses a second computer (item 22b, Fig. 2) configured to receive the second portion of computer readable information from a first computer and to generate a second collection of speech generation

commands based on the second portion of computer readable information (Fig. 2, item 22 and related text), the first computer is further configured to receive the second collection of speech generation commands from the second computer and to generate a third collection of speech generation commands based on the first and second collection of speech generating commands (Fig. 2, item 24 and related text, [0030]); wherein the first computer generates signals based on the third collection of speech generation commands ("Streaming buffer 24 transmits the speech segments in the proper order along with the telephony user address to voice application", [0031]).

It would have been obvious to one with ordinary skill in the art at the time of the invention to perform, in Mark's system, the text-to-speech process using a plurality of engines because the resulting system "efficiently processes text documents of any size" (Walker, [0018]) by dividing the text into easily manageable portions.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Neway whose telephone number is 571-270-1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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